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PATENT  
Attorney Docket No.: DIVER1370-8

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Jay M. Short  
Application No.: 10/034,985  
Filed: December 21, 2001  
Title: RECOMBINANT BACTERIAL PHYTASES AND USES THEREOF

Art Unit: 1651  
Examiner: Unassigned

**BOX MISSING PARTS**  
Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

COPY OF PAPERS  
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Sir:

In response to the Notice to File Missing Parts of Application mailed March 4, 2002,  
enclosed are:

1. A copy of the Notice to File Missing Parts of Application (1 page);
2. An executed Declaration For Patent Application (3 pages);
3. An executed Power of Attorney by Assignee (2 pages);
4. Request for Correction of Filing Receipt (4 pages);
5. Change of Attorney Address (1 page);
6. Check number 507680 in the amount of \$65.00 as surcharge fee; and
7. Return Receipt Postcard.

**CERTIFICATION UNDER 37 CFR §1.8**

I hereby certify that the documents referred to as enclosed herein are  
being deposited with the United States Postal Service as first class  
mail on April 29, 2002, in an envelope addressed to: Box Missing  
Parts, Commissioner for Patents, Washington, D.C. 20231

*Karen LePari*  
Karen LePari

In re Application of:  
Jay M. Short  
Application No.: 10/034,985  
Filed: December 21, 2001  
Page 2



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Applicants claim small entity status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

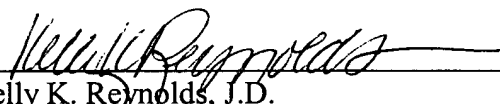
The filing fee has been calculated as follows.

	Number Filed		Number Extra		Rate			Fee	
					Large Entity	Small Entity		Small Entity	Large Entity
Total Claims	7 - 20	=	0	X	\$	\$09	=	\$0.00	\$ 0.00
Independent Claims	3 - 3	=	0	X	\$	\$42	=	\$0.00	\$ 0.00
Multiple Dependent Claims Presented: <input type="checkbox"/> Yes <input type="checkbox"/> No					\$	\$140		\$0.00	
					BASIC FEE			\$370.00	\$ 0.00
					TOTAL FEE			\$370.00 (already paid)	\$ 0.00

XX Enclosed is a check in the amount of \$65.00 as surcharge fee for missing parts of the application. The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: April 29, 2002

  
Kelly K. Reynolds, J.D.  
Registration No. 51,154  
Telephone: (858) 677-6724  
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-213  
USPTO Customer Number 28213

# 4



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/034,985	12/21/2001	Jay Short	

CONFIRMATION NO. 9024

## FORMALITIES LETTER



\*OC000000007571958\*

28213  
GARY CARY WARE & FRIENDENRICH LLP  
4365 EXECUTIVE DRIVE  
SUITE 1600  
SAN DIEGO, CA 92121-2189

COPY OF PAPERS  
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Date Mailed: 03/04/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

*jt*  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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PATENT  
Attorney Docket No.: DIVER1370-8

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Art Unit: 1651  
Examiner: Unassigned

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Commissioner for Patents  
Washington, D.C. 20231

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**REQUEST FOR CORRECTION OF FILING RECEIPT**

Sir:

This Communication is submitted to request correction of the filing receipt in reference to the above-identified application. The data requiring correction is indicated in yellow highlight on the attached copy of the filing receipt and herein in **BOLD**.

Please make a correction *to the third line only* of the **Domestic Priority data as claimed by applicant** as follows:

**WHICH IS A CIP OF 09/291,931 04/13/99 PAT 6,190,897**

Please add to the **ATTY. DOCKET NO** the following:

**DIVER1370-8**

Applicants accordingly request the correction be made of record and a corrected filing receipt be issued.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on April 29, 2002, in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231

*Karen LePari*

Karen LePari


In re Application of:  
Jay M. Short  
Application No.: 10/034,985  
Filed: December 21, 2001  
Page 2

PATENT  
Atty Docket No.: DIVER1370-8

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355.

Respectfully submitted,

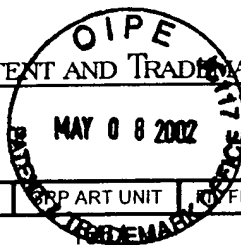
Date: April 29, 2002

  
\_\_\_\_\_  
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**USPTO Customer Number 28213**



## UNITED STATES PATENT AND TRADEMARK OFFICE



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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING DATE	APPART UNIT	OFFEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/034,985	12/21/2001		370		3	7	3

CONFIRMATION NO. 9024

28213  
GARY CARY WARE & FRIENDENRICH LLP  
4365 EXECUTIVE DRIVE  
SUITE 1600  
SAN DIEGO, CA 92121-2189

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MAR 8 2002

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## FILING RECEIPT



\*OC000000007571957\*

Date Mailed: 03/04/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

Jay Short, Rancho Santa Fe, CA;

## Assignment For Published Patent Application

Diversa Corporation, San Diego, CA;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/580,515 05/25/2000  
WHICH IS A CIP OF 09/318,528 05/25/1999 PAT 6,183,740  
~~WHICH IS A CIP OF 09/219,931 12/23/1998 PAT 6,225,410~~ \*  
WHICH IS A CIP OF 09/259,214 03/01/1999 PAT 6,110,719  
WHICH IS A DIV OF 08/910,798 08/13/1997 PAT 5,876,997  
(\*) Data inconsistent with PTO records.

which is a CIP of  
09/291,931 04/13/99  
PAT 6,190,897

## Foreign Applications

If Required, Foreign Filing License Granted 02/14/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

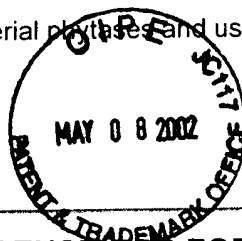
\*\* SMALL ENTITY \*\*

**Title**

Recombinant bacterial phytases and uses thereof

**Preliminary Class**

424

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).